

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

PATRICIA JOHNSON, FAUSTO CABRERA,
VELLYN ANTONELLI, CARMEN FOX,
MARK ANGELOPOULOS, DIANE
ANDERSON, JAMES COOLEY, AND
MARGARET COOLEY, on behalf of herself
and all others similarly situated,

Plaintiffs,

v.

BAC HOME LOANS SERVICING, LP, a
subsidiary of BANK OF AMERICA, N.A.,

Defendant.

Civil Action No. 10-10316 - RWZ

**UNOPPOSED MOTION FOR LEAVE TO FILE MEMORANDA IN EXCESS OF
TWENTY PAGES**

Pursuant to Local Rule 7.1(b)(4), Defendant BAC Home Loans Servicing, L.P. (“BAC”) hereby moves for leave to file (i) a 30-page memorandum in opposition to Plaintiffs’ Motion for Provisional Class Certification; and (ii) a 25-page memorandum in opposition to Plaintiffs’ Motion for Preliminary Injunction. In support of this motion, BAC states the following:

1. Plaintiffs have moved under Federal Rule of Civil Procedure 23(b)(2) to provisionally certify a class of Massachusetts borrowers to whom BAC granted temporary trial mortgage loan modifications, but who were not given permanent modifications or were not denied permanent modifications prior to a certain date. Plaintiffs have also moved for entry of a

preliminary injunction prohibiting foreclosure against the putative provisional class members while this action is pending.

2. Both of these motions arises in the context of an elaborate and ever-changing administrative framework developed by the U.S. Treasury Department, and the additional pages requested are necessary in order to effectively describe this program for the Court, and its application to the pending motions.

3. Moreover, in opposition to both motions, BAC makes a number of legal and factual arguments, which require additional space in order to fully and adequately present to the Court the reasons why the motions should be denied.

5. Permitting BAC to file memoranda in excess of twenty pages will aid the Court in its consideration and determination of Plaintiffs' Motion for Provisional Class Certification and Plaintiffs' Motion for Preliminary Injunction, and will serve the interests of judicial economy and efficiency.

6. BAC has contacted counsel for Plaintiffs regarding the relief sought in this motion, and Plaintiffs do not oppose the relief requested.

WHEREFORE, BAC respectfully requests that the Court grant it leave to file (i) a 30-page memorandum in opposition to Plaintiffs' Motion for Provisional Class Certification; and (ii) a 25-page memorandum in opposition to Plaintiffs' Motion for Preliminary Injunction.

October 15, 2010

Respectfully submitted,

BAC Home Loans Servicing, L.P.,
By its attorneys,

/s/ James W. McGarry

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LOCAL RULE 7.1(A)(2) CERTIFICATE AND CERTIFICATE OF SERVICE

I hereby certify pursuant to District of Massachusetts Local Rule 7.1(A)(2) that I have conferred with counsel for Plaintiff regarding the relief requested in this Motion and Plaintiff does not oppose the relief requested.

I further certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on October 15, 2010.

/s/ James W. McGarry
James W. McGarry